

## Frequently Asked Questions for Long-Term Occupants in Hotels & Rooming Houses

### **Q: I rent a room at a hotel and have lived here a long time. Am I a tenant?**

A: Determining whether someone staying at a hotel is a tenant depends on if the hotel room is that person's "*primary residence*"--in other words, their home. If the room is the person's only residence, then that person is a tenant. A court will consider all the circumstances to determine if a hotel room is a person's primary residence.

### **Q: The owner says that I don't have a lease and that it's a hotel. Does this matter?**

A: A lease can be either oral or written and it does not have to use any magic words like "lease," "landlord," "tenant," or "rent." It does not matter whether a place is called a "hotel," "motel," "boarding house," or "rooming house." It does not matter if a person is called a "guest" instead of a "tenant." What matters is if the hotel room is the person's primary residence.

### **Q: Okay, I think I'm a tenant. What protections do I have?**

A: Under North Carolina law, tenants – even in hotels– have several protections, including:

- The hotel owner cannot remove a tenant from the room/unit without first filing an eviction court case and obtaining an eviction judgment from a judge or magistrate. Only after an eviction judgment has been order can the owner have the Sheriff remove the tenant and their belongings from the room.
- The hotel owner does not have the right to keep a tenant's belongings before an eviction, even if a tenant owes rent.
- **The hotel is NOT allowed to change locks, turn off the electricity or water, or do other things to force a tenant to move without going through the court process first.** If the owner does not follow the law, then a tenant can sue for illegal eviction and seek a court order to make the owner stop and/or let them back into the room/residence.

### **Q: If I refuse to leave a hotel room and the hotel owner calls the police, will I be arrested?**

A: If the hotel owner calls the police on a person staying at the hotel, the police have to respond and will talk to that person. But that doesn't mean they will arrest that person. The police officer should try to determine whether the hotel room is the person's home (primary residence) or if the person is threatening violence towards anyone at the hotel. If they determine that the hotel room is the person's home and the person is not threatening anyone, they should not arrest the person and should tell the hotel owner that it is a civil matter, not a criminal matter, and the owner must sue to evict the person as a tenant.

### **Q: My County has a shelter-in-place order and a lot of businesses are closing. Does this mean that I have to move out of my hotel or rooming house?**

A: Shelter-in-place orders generally allow for residences – like hotels and rooming houses – to remain open as essential businesses; check the specific terms of the shelter-in-place order for your city and/or county. This means that neither guests nor tenants have to move out of the rooms simply because the shelter-in-place order is going into effect.

### **Q: I think my rights as a tenant are being violated. Where can I go for help?**

A: If you believe that their rights as a tenant are being violated – repair issues or self-help evictions – then you can contact Legal Aid of North Carolina for legal advice and representation. To apply for help from Legal Aid of North Carolina, please visit the website at [www.legalaidnc.org](http://www.legalaidnc.org) or call (252)291- 6851 for the Wilson office or (866)219-5262.